

REMARKS

Claims 21-24 are pending in the application. Claims 21-24 have been rejected. Reconsideration and withdrawal of the rejections set forth in the Office Action dated March 10, 2004 are respectfully requested.

I. Double-Patenting Rejections

Claims 21-23 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-46 of copending U.S. Application No. 09/174,298.

Claim 24 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 41-46 of copending U.S. Application No. 09/174,298 in view of Sears (EP 118 316).

The Examiner noted that a timely filed Terminal Disclaimer in compliance with 36 C.F.R. §1.321(c) would overcome an actual or provisional rejection on this ground. Thus, enclosed herewith is an executed Terminal Disclaimer filed in accordance with C.F.R. §1.321(b) and (c) which disclaims the terminal portion of any patent issuing on the instant application that extends beyond the expiration of U.S. Application No. 09/174,298.

The applicants submit that Terminal Disclaimer overcomes the rejection for obviousness-type double patenting and withdrawal of the rejection is respectfully requested.

III. Conclusion

It is respectfully submitted that each of the pending claims 21-24 are in condition for allowance. A Notice of Allowance is respectfully requested.

If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4402.

Respectfully submitted,

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